

Application No.: 10/045,122
Amendment Dated: May 21, 2004
Reply to Office Action of: March 24, 2004

REMARKS

Claims 1-46 are currently pending in this application. By this Amendment, claims 15 and 18 are amended, and new claims 24-46 are added.

The Office Action dated March 24, 2004, required restriction between the following groups:

- I. Claims 1-6 drawn to an apparatus for selectively interacting with electrically excitable tissue;
- II. Claims 7-14 and 23 drawn to an extension unit;
- III. Claims 15-17 drawn to a method for selectively providing treatment; and
- IV. Claims 18-22 drawn to method for selectively measuring diagnostic information.

Applicant elects the claims of Group II with traverse. For example, the Office Action characterized combination claim 1 as not specifying an extension unit (the subcombination), whereas claim 1 of the Group I claims does specify an extension unit:

“1. An apparatus for selectively interacting with electrically excitable tissue of a patient, said apparatus comprising:
an implantable pulse generator having a number of output sources that transmit electrical signals;
an implantable electrode array having a number of electrodes, wherein the number of electrodes is greater than the number of output sources; and
an extension unit coupled between the implantable pulse generator and the implantable electrode array and configured to electrically connect the output sources to a portion of the electrodes.” [emphasis added]

For this reason, consideration of Group I claims 1-6 in the same application as Group II claims 7-14 and 23 is requested.

With respect to Group III, claim 15 has been revised to change the determining step as follows: “determining which electrodes [[are physically positioned to]] would provide optimal therapeutic treatment”. This is believed to overcome the comment in the Office Action

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regarding the ability to use the apparatus in a method that selects electrodes based on an external signal from a programmer rather than by physical position.

With respect to Group IV, claim 18 has been revised in a similar way to the revision discussed above with respect to claim 15. This is believed to overcome the comment in the Office Action regarding the ability to use the apparatus in a method that selects biomedical sensors based on an external signal from a programmer rather than by physical position.

New claims 24 and 25 are apparatus claims depending upon elected claim 23. Because the claims 24 and 25 specify every element of claim 23, it is believed that they should be examined together with claim 23.

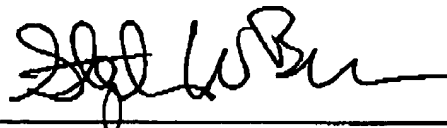
New claims 26-39 specify an extension unit and are believed to properly belong in elected Group II.

New claims 40-44 are apparatus claims depending upon new extension unit claim 26. It is submitted that claims 40-43 should also be considered with claim 26.

New claims 45 and 46 are dependent method claims in which the determining step of claims 15 and 18 is defined to include the "physically positioned" term. Claim 45 would belong in Group III and claim 46 would belong in Group IV. Arguments as to why Groups III and IV should be examined in this application are provided above.

In view of the foregoing, reconsideration of the restriction requirement set forth in the March 24, 2004 Office Action, and consideration of all of the claims, are requested.

Respectfully submitted,



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